

NOTICE OF INVESTIGATION

D.T.E. 03-60

August 26, 2003

Proceeding by the Department of Telecommunications and Energy on its own Motion to Implement the Requirements of the Federal Communications Commission's Triennial Review Order Regarding Switching for Mass Market Customers

The Department of Telecommunications and Energy ("Department"), on its own motion, has opened a proceeding to implement the requirements of the Federal Communications Commission's ("FCC") Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338; Implementation of the Telecommunications Act of 1996, CC Docket No. 96-98; Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147, FCC 03-36 (rel. August 21, 2003) ("Triennial Review Order"). Among other requirements contained in the Triennial Review Order, state public utility commissions have nine months from the effective date of the Order to conduct a proceeding in which to determine whether switching for mass market customers (i.e., residential and small business customers) will continue to be offered as an unbundled element to competing local exchange carriers. This proceeding is docketed as D.T.E. 03-60 and will inquire into the ability of competing carriers to offer local service to mass market customers without access to Verizon New England, Inc. d/b/a Verizon Massachusetts' switching facilities. The FCC has concluded that switching for business customers served by high capacity loops will no longer be unbundled based on a national finding of "no impairment." The Department will conduct a proceeding to address the FCC's conclusion in a separate docket, D.T.E. 03-59.

Those interested in participating in the Department's proceeding in this docket may submit written comments on the scope, nature, and timing of the Department's inquiry in this proceeding. The Department requests that those interested in participating in the Department's proceeding indicate in written comments whether this proceeding should be conducted as an "adjudicatory proceeding" as defined in G.L. c. 30A, § 1(1), or whether some other role for the Department is warranted, such as the Department's consultative role in our evaluation of Verizon's compliance with the requirements in 47 U.S.C. § 271 in D.T.E. 99-271. In addition, interested persons seeking to participate in the Department's proceeding must file a brief (1-2 pages) letter explaining with specificity their interest and the extent to which they would like to participate. Written requests to participate and written comments must be filed with the Secretary of the Department at the following address by 5:00 p.m. on September 16, 2003:

Mary L. Cottrell, Secretary
Re: DTE 03-60

Department of Telecommunications and Energy
One South Station, Second Floor
Boston, MA 02110

Receipt of requests to participate by the Department – not mailing – constitutes filing and determines whether a request has been timely filed.

In addition, the Department requests that all comments and requests to participate be submitted by electronic mail to Paula.Foley@state.ma.us and dte.efiling@state.ma.us using one of the following methods: (1) by e-mail attachment; or (2) on a 3.5" disk, IBM-compatible format. The text of the e-mail must specify: (1) the docket number of the proceeding (D.T.E. 03-60), (2) the name of the person or company submitting the filing, and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and phone number of a person to contact in the event of a question about the filing. Text responses should be written in either WordPerfect (naming the document with a “.wpd” suffix), in Microsoft Word (naming the document with a “.doc” suffix), or as an Adobe PDF file (naming the document with a “.pdf” suffix). Data or spreadsheet responses should be compatible with Microsoft Excel. All comments and requests to participate submitted in electronic format will be posted on the Department’s website: <http://www.mass.gov.dpu>.

The Department will hold a procedural conference on September 25, 2003, beginning at 11:00 a.m. at the Department’s offices, to establish a procedural schedule for the orderly conduct of the investigation, and, if necessary, to further define the scope of the proceeding.

By Order of the Department,

_____/s/_____
MARY L. COTTRELL, SECRETARY